

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, :  
vs. : CRIMINAL NO.: 24-CR-00129-TFM  
JOSE DAVID HERNANDEZ-GARCIA :

**REPORT AND RECOMMENDATION**  
**CONCERNING PLEA OF GUILTY**

The Defendant, JOSE DAVID HERNANDEZ-GARCIA, by consent, has appeared before the undersigned pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and has entered a plea of guilty to **Count One** of the Indictment charging a violation of Title 8, United States Code, Section 1326(a), Illegal Reentry.

After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the guilty plea was knowledgeable and voluntary, and the offense(s) charged is supported by an independent basis in fact as to each of the essential elements of such offense. The Court therefore recommends that the plea of guilty be accepted and that Defendant JOSE DAVID HERNANDEZ-GARCIA be adjudged guilty and have sentence imposed accordingly.

**NOTICE TO PARTIES**

**A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11<sup>th</sup> Cir. R. 3-1.**

DONE and ORDERED this 16th day of September, 2024.

s/SONJA F. BIVINS  
UNITED STATES MAGISTRATE JUDGE